

Exhibit A

Declaration of Ben Brieschke

1 JOHN S. LEONARDO
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3 District of Arizona
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5 Assistant U.S. Attorney
6 State Bar No. _____
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11 Attorneys for Respondent

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 Michael Jayne,

15 Petitioner,

16 vs.

17 Warden Rhodes,

18 Respondent.

19 **CV-18-00338-TUC-RM (DTF)**

20 **DECLARATION OF BENJAMIN J. BRIESCHKE**

21 The undersigned, Benjamin J. Brieschke, hereby declares under oath pursuant to 28
22 U.S.C. § 1746, as follows:

23 1. I am a Senior Attorney for the Federal Bureau of Prisons ("BOP"), assigned
24 to Federal Correctional Complex ("FCC"), in Tucson, Arizona. In this role, I address legal
25 issues arising out of FCC Tucson's three constituent facilities: the United States
26 Penitentiary ("USP"), Federal Correctional Institution ("FCI"), and Satellite Prison Camp
27 ("SPC"). On occasion, I address legal issues arising out of FCI Safford in Safford, Arizona.

28 2. In my current position, I have access to records pertaining to inmate personal
information, incarceration history, discipline history, BOP's SENTRY computer program,
and administrative remedy filings of inmates. All records attached to this declaration are
true and accurate copies to the best of my knowledge.

3. Attachment 1 to this declaration is a true and correct copy of the SENTRY
Public Information Inmate Data for Petitioner. Petitioner, Michael Aaron Jayne, Register

1 Number 74636-065, is incarcerated at the United States Penitentiary in Tucson, Arizona
2 (“USP Tucson”), in service of a 120 month sentence for being a Felon in Possession of a
3 Firearm, in violation of 18 U.S.C. § 922 (g)(1). *Id.* Petitioner was convicted and sentenced
4 in the Western District of Texas on March 13, 2013, by the Honorable Judge Sparks. *Id.*
5 Petitioner’s projected release is August 21, 2021, via Good Conduct Time release and has
6 a home detention eligibility date of February 21, 2021. *Id.*

7 4. Attachment 2 is a true and correct copy of Petitioner’s Inmate History
8 showing that Petitioner arrived at USP Tucson on 12-22-2017. TCP is the code for USP
9 Tucson.

10 5. Attachment 3 to this declaration is a true and correct copy of Bureau of
11 Prisons Program Statement (“P.S.”) 5100.08, “Inmate Security Designation and Custody
12 Classification,” which implements the Bureau of Prisons’ authority under 18 U.S.C. §
13 3621(b) to designate an inmate’s place of imprisonment.

14 6. Attachment 4 to this declaration is a true and correct copy of Bureau of
15 Prisons Program Statement 7320.01, Home Confinement.

16 7. Attachment 5 to this declaration is a true and correct copy of Petitioner’s
17 most recent custody classification Male Custody Classification Form, dated July 7, 2018.

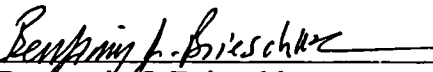
18 8. Attachment 6 to this declaration is a true and correct copy of the Petitioner’s
19 Sentencing Monitoring Computation Data, showing that Petitioner has a Home Detention
20 Eligibility date of February 21, 2021.

21 9. Attachment 7 is a true and correct copy of the Administrative Remedy
22 Generalized Retrieval of Petitioner, Register Number.: 74636-065. A review of the
23 SENTRY database and Petitioner’s Petition reveal Petitioner has filed a total of sixty one
24 (61) remedy submissions at the various remedy levels. And of those filed, only three (3)
25 of the sixty one (61) remedy submissions were filed at with the General Counsel, which
26 is the final level of administrative review. *See* 28 C.F.R. § 542.15. The remedies that
27 were fully exhausted are remedy 896816 - A1 (An appeal of a Disciplinary report),
28

1 remedy 933019¹-A1 (A request to have a staff member prosecuted) and remedy 944243 –
2 A1 (An appeal of Disciplinary report.) Petitioner has not filed an administrative remedy
3 regarding the issues he raises in this and has not exhausted the administrative remedy
4 process regarding the issues he raises in this Petition.

5 I declare under penalty of perjury that the foregoing is true and correct to the best
6 of my knowledge and belief.

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9 Dated this 2nd day of November, 2018.

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12 Benjamin J. Brieschke,
13 Senior Attorney
14 FCC Tucson
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¹ Remedy 933019 was filed twice at the central Office level but was only counted
as one filing for purposes of exhaustion in this Answer.